

### **REMARKS**

Reconsideration of this application is respectfully requested in view of the above amendments and the remarks contained herein.

#### **STATUS OF CLAIMS AND SUPPORT FOR AMENDMENTS**

Upon entry of this amendment, claims 1, 3-7, 9, and 11-18 will be pending in this application. Claims 2, 8, and 10 have been cancelled without prejudice to, or disclaimer of their subject matter.

Support for the amendments to the claims can be found in the specification at pages 22-24 and in Figures 3-4.

#### **ANTICIPATION REJECTION**

On pages 3-7 of the Office action dated December 23, 2010, the Office has rejected claims 1, 3-7, 9, and 11-18 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0019848 (Sugawara et al.). Applicants respectfully traverse this rejection for the reasons given below.

The Office action states:

Applicant argues that the combination of Sugawara '848 and Sakao '068 fails to describe the claimed limitations. Examiner respectfully disagrees. Examiner would like to point out that the new limitations amended to the claims can be interpreted very [broadly] because of the use of OR [in] the claim. Reading the paragraphs where the support for the amendments can be found[, the] examiner understands where the direction [of] the claims is going but how the OR is used [in] the claims, being interpreted in the most broad logical way possible makes the claim broader than what is being shown [in] the paragraphs given from the applications specification. For example, in claim 1 its claimed "describes in a transmission management report a previously sent transmission or transmissions on which the confirmation of receipt had been received when the transmission management report is issued. . ." and this is understood as either a previously sent transmission OR transmissions on which the confirmation of receipt had been received, therefore just by rejecting one or the other [these] claim

limitations can be rejected. Further amendments to clarify [the] claim limitation would help overcome this rejection.

Office action dated December 23, 2010 at pages 2-3.

As Applicant understands the Office's position, the Office appears to interpret the terminology "a previously sent transmission or transmissions on which the confirmation of receipt had been received" as "a previously sent transmission, or several transmissions on which the confirmation of receipt had been received," rather than as the intended interpretation "a previously sent transmission or transmissions, on which the confirmation of receipt had been received." Applicant respectfully submits that the Office's interpretation is not a natural reading of the language used in the claims, and is, as the Office appears to appreciate, not supported by the specification. Nevertheless, in an effort to expedite prosecution, Applicant has amended the claims to clarify that in the transmission management report are described, e.g., (a) one or more previously sent transmissions on which the confirmation of receipt had not been received and a predetermined wait time had not elapsed. Similar clarifications were made to the recitation of features (b) and (c) in claim 1 and in the other claims where the "transmission or transmissions" language appeared. Under these circumstances, Applicant submits that it is clear that Sugawara et al. does not disclose every element of Applicant's claims, since the claims do not even arguably read on embodiments where only "a previously sent transmission" is recited (i.e., the "or" terminology has been removed from the claims).

Thus, Sugawara is not sufficient to establish anticipation under 35 U.S.C. § 102. Accordingly, there is no anticipation and this rejection should be withdrawn.

## CONCLUSION

Applicants submit that this application is in condition for immediate allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to arrange for a personal or telephonic interview to resolve these issues prior to the issuance of another Office action.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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